

SENATE BILL 2167

By Cohen

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 11, Part 6, to enact the "Victim and Citizen Criminal Apprehension and Protection Act of 1998" authorizing the use of force to apprehend certain suspected felons and for the protection of persons and property from such felons.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Victim and Citizen Criminal Apprehension and Protection Act of 1998".

SECTION 2. Tennessee Code Annotated, Section 39-11-621, is amended by designating the existing language as subsection (a) and by adding the following new subsections:

(b) Notwithstanding the provisions of subsection (a), a private citizen is justified in threatening or using all necessary force, including deadly force, to apprehend a person who is committing or has committed first or second degree murder, attempt to commit first or second degree murder, aggravated robbery, especially aggravated robbery, rape, aggravated rape, or rape of a child if the citizen uses such force:

A) While the defendant is on the same property where the offense was committed or attempted to be committed or on any public property adjoining such property; and

B) During or in fresh pursuit of the person after commission or attempted commission of the offense.

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(c) Notwithstanding the provisions of subsection (a), a private citizen present in a motor vehicle is justified in threatening or using all necessary force, including deadly force, against a person whom one reasonably believes is attempting to use unlawful force against such citizen while committing or attempting to commit the offense of carjacking.

(d) Any private citizen using deadly force to apprehend a suspected felon under the circumstances set out in subsection (b) or who uses deadly force pursuant to subsection (c) is presumed to have been put in reasonable fear of imminent peril of death or serious bodily harm to self or others by such offender and the use of deadly force is justified even though the person using such force does not retreat from the encounter.

(e) Any private citizen who uses force under the circumstances authorized by subsections (b) or (c) shall be absolutely immune from actual or punitive damages resulting from property damage, injury or death either accidentally or intentionally inflicted by such citizen upon the person or persons who committed or attempted to commit one or more of the enumerated offenses.

SECTION 2. This act shall take effect on July 1, 1998, the public welfare requiring it.